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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,528	12/18/2000	Rabindranath Dutta	AUS920000919US1	2040

7590

04/29/2004

Cynthia S. Byrd  
International Business Machines Corporation  
Intellectual Property Law Department  
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Austin, TX 78758

EXAMINER
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LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/29/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/740,528

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Patent US 6,288,753 B1 to DeNicola.

2. Regarding Claims 1, 6, 8, 12, 14 and 18, DiNicola discloses a method, system and computer program product for administering exam content from a server to at least one client over a network, (Abstract; Col. 3, lines 31-33; Col. 4, lines 51-67; and Col. 5, lines 1-7), comprising:

- registering at least one (or a plurality – per pending Claims 6, 12 and 18) exam(s) submitted by an exam provider with the server, (Col. 4, lines 51-67; Col. 5, lines 1-7 and 49-67; Col. 6, lines 1-21 and Col. 11, lines 65-67);
- generating a transcript in response to answers submitted by a student to at least one exam question resident on the server, (Col. 13, lines 37-64);  
and
- providing access to the transcript to at least one third party, (Col. 13, lines 65-67; Col. 14, lines 1-67; and Col. 15, lines 1-57).

Therefore this reference may reasonably be read to teach or describe every element or Claim limitation of Claims 1, 6, 8, 12, 14 and 18.

3. Regarding Claims 2, 10 and 16, DiNicola discloses a method, system and computer program product for administering exam content further comprising providing an exam content generator with access to registered exams on the server, (Col. 11, lines 48-67; Col. 12, lines 1-67 and Col. 13, lines 1-47). Therefore this reference may reasonably be read to teach or describe every element or Claim limitation of Claims 2, 10 and 16.

4. Regarding Claims 3, 9 and 17, DiNicola discloses a method, system and computer program product for administering exam content further comprising providing an exam grader with access to student's answers on the server, (Col. 13, lines 37-64 and Col. 17, lines 44-60). Therefore this reference may reasonably be read to teach or describe every element or Claim limitation of Claims 3, 9 and 17.

5. Regarding Claims 4, 11 and 15, DiNicola discloses a method, system and computer program product for administering exam content further comprising transmitting a video frame of the student to the server at at least one random point in time while the student is taking the exam, (per pending Claims 4 & 15), wherein the server comprises a means for accepting and storing video images of the student, (per pending Claim 11), (Abstract; Col. 4, lines 21-67; Col. 5, lines 1-7; Col. 7, lines 15-30; and Col. 17, lines 27-67). Therefore this reference may reasonably be read to teach or describe every element or Claim limitation of Claims 4, 11 and 15.

6. Regarding Claim 5, DiNicola discloses a method, system and computer program product for administering exam content wherein the transcript further comprises at least one video image of the student, (Abstract; Col. 4, lines 21-67; Col. 5, lines 1-7; Col. 7,

lines 15-30 and 61-64; Col. 15, lines 27-45; and Col. 17, lines 9-67). Therefore this reference may reasonably be read to teach or describe every element or Claim limitation of Claim 5.

7. Regarding Claims 7, 13 and 19, DiNicola discloses a method, system and computer program product for administering exam content further comprising recording a student's answers to at least one exam question presented by the server; and grading the student's answers to generate an exam result, (Col. 13, lines 37-64). Therefore this reference may reasonably be read to teach or describe every element or Claim limitation of Claims 7, 13 and 19.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent US 6,341,212 B1 to Shende.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak  
Examiner  
Art Unit 2143

AML



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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